THE HON'BLE SRI JUSTICE C.V. RAMULU

Thursday, 8th day of March,2007

W.P.No.25077 of 2000

Between:-

P.V. Ranganayakulu … Petitioner

and

The Government of A.P., rep. by
Its Principal Secretary to Govt.,
Revenue (Endts.III) Dept.,
Secretariat Buildings, Hyderabad
and another … Respondents

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ORDER:

This Writ Petition is filed seeking a Mandamus declaring the Proceedings in Roc.No.B2/36667/92, dated 31-8-1993 issued by the 2nd respondent in placing the petitioner at Sl.No.10 in the final seniority list without treating his date of joining as 8-1-1987 and the consequential Orders of the 1st respondent in Memo.No.94742/Endts.III/A1/93-2, dated 18-7-1994 and Memo No.33731/Endts.III/A1/95-7, dated 18-6-1999 in confirming the final seniority list prepared by the 2nd respondent and rejecting the appeal and review filed by the petitioner by the 1st respondent as arbitrary and illegal and consequently to direct the respondents to place the petitioner at Sl.No.2 by revising the final seniority list dated 31-8-1993 and consider his case for promotion to the next higher post, forthwith.

According to the petitioner, he was appointed as a Lecturer vide Proceedings dated 27-12-1986 of the 2nd respondent on a consolidated pay for a limited period of 6 months, after being sponsored by the Employment Exchange and subjecting to written test etc. He joined duty on 8-1-1987 in the Department of 'Moulika Siddantha'. While that being so, a notification was issued by the 2nd respondent calling for applications for filling up the post of Lecturer to be selected through a process of written and oral tests. Immediately,

he approached the 2nd respondent and enquired about his previous employment against the said vacancy. He was informed that he was selected to the said post after he was drawn from Employment Exchange and being successful in the written and oral tests; however, he was asked by the Office of the 2nd respondent to appear for the present examination and if at all he is successful in the examination, his previous service will be protected from the date of his appointment. Believing the same, he appeared for the written examination and oral test conducted by the 2nd respondent and he was selected in the process along with 17 others, vide Proceedings dated 23-9-1987 of the 2nd respondent. Thereafter, he informed the 2nd respondent that he is an inservice candidate appeared for the examination for the second time and selected as a Lecturer again and requested to protect his service from 8-1-1987 instead of treating him as a fresh candidate from 23-9-1987. Though the 2nd respondent promised to protect his seniority, nothing was done. Meanwhile, his probation was declared in the cadre of Lecturer on 25-9-1989. Further, the provisional seniority list was published on 7-2-1992 calling for objections. In the said provisional seniority list, one Dr. A.Sankar Babu was placed at Sl.No.1, while himself and another was placed after 9 persons. He has joined duty along with Dr. A. Sankar Babu and should have been placed in the seniority list either above or after Dr. A.Sankar Babu. He, therefore, filed objections. Without considering the said objections, the 1st respondent published final seniority list confirming the provisional seniority list. Aggrieved by the final seniority list, the petitioner filed an appeal and having failed, filed a review petition and the same was also dismissed. Hence, this Writ Petition.

A detailed counter affidavit has been filed on behalf of the 2nd respondent denying the allegations made by the petitioner. It is asserted that the petitioner, who was sponsored by the Regional Employment Exchange was selected and was appointed on *ad hoc* basis as a Lecturer in S.V. Avyurvedic College, Tirupati purely on temporary basis, on a consolidated pay for a limited period of six months from the date of his joining or till such time a regular candidate is recruited and appointed in the post proposed by the Management Committee pending approval of the Government, whichever is earlier, as per the Order dated 27-12-1986. He joined duty on 8-1-1987. In fact, the petitioner was informed that he would not have any right whatsoever to claim for continuance or for future appointment. All the posts of teaching and medical in S.V.Ayurvedic College including the post in which the petitioner was working on a consolidated pay were advertised for direct recruitment. The issue of the Lecturers then working on consolidated pay was examined i.e. as to whether they can be appointed as Lecturers on regular basis without subjecting them for further selection in the year 1987 and it was decided that the persons working as Lecturers on consolidated pay also should take the interview and selection process along with others, as there is no provision for absorption in the service rules, that too, with retrospective effect from the date of their engagement on consolidated pay. Moreover, the petitioner had applied for the post second time and appeared for interview. He was selected and appointed as a Lecturer in S.V. Ayurvedic College in the regular time scale of pay. He joined the post on 25-9-1987. He was declared as an approved probationer on completion of two years i.e. from 25-9-1987. He did not raise any objection at that time. Moreover, no assurance was given to him that the temporary service rendered by him on consolidated pay would be

considered for fixing the seniority, as there is no such provision in the Rules. As per merit in the selection and as per the communal roster, he was placed at Sl.No.10 in the seniority list. The seniority list among the Lecturers was communicated vide Memo dated 7-2-1992. The objections filed by the petitioner were examined and it was felt that there were no grounds to consider the objection raised by him. As such, the tentative seniority of the Lecturers was confirmed vide Memo dated 3-7-1992. The allegation that the petitioner has preferred an appeal and further preferred a review, which were rejected arbitrarily, is not true. The Board of Trustees, after examining the issue, has taken a decision on the recommendations of the Welfare Committee, which took a decision for rejecting the case of the petitioner. Therefore, the Writ Petition may be dismissed.

Heard both sides.

From the above, it is clear that the petitioner was initially appointed on *ad hoc* basis and also on a consolidated pay for a period of six months or till the regular appointments were made. He, admittedly, worked only for six months on *ad hoc* basis and thereafter on the advise of the respondents applied for regular vacancy. Since he was selected in the regular selections, his seniority was fixed as per roster at Sl.No.10 and he never raised any objection at that point of time. Now, he is seeking seniority above all, who were selected in the regular selection process. Petitioner has not accrued any right whatsoever nor there is any rule, which supports his case. In fact, the earlier appointment of the petitioner itself was not on the basis of a selection process undertaken by the University. May be, he was sponsored by the Employment Exchange and appointed on *ad hoc* basis, but that itself does not mean that he has accrued any right for seeking to compute such service rendered by him before his regular

appointment for the purpose of seniority etc. None of the Rules made under the A.P. State and Subordinate Service Rules protect such service for the purpose of seniority. Further, it is not the case of the petitioner that the *ad hoc* services of any person, who is similarly placed as that of him, were taken for the purpose of counting seniority etc. Petitioner is making a speculative litigation. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

08-3-2007

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